

OFFICE OF SPECIAL MASTERS

No. 04-714V
Filed: September 20, 2007

NOT TO BE PUBLISHED

LORIE KATZ *

Petitioner, *

v. *

Attorneys' fees and costs

SECRETARY OF THE DEPARTMENT *

OF HEALTH AND HUMAN SERVICES, *

Respondent. *

*

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Chief Special Master.

Petitioners filed an Application for Attorney's Fees and Costs on September 19, 2006. Petitioners requested a total of \$35,294.50 in attorney's fees and \$22,690.00 in litigation costs, which was supported by their counsel's fee statement. See Petitioner's Application for Fees and Costs (hereinafter, "Application for Fees,"), filed September 19, 2006. Additionally, petitioners filed an Affidavit of Costs in compliance with General Order No. 9, stating that petitioners alone have incurred \$4,522.80 in litigation costs.

After reviewing the Application for Fees respondent raised several objections. Petitioner agreed to amend the Application for Fees. Petitioner now seeks \$38,786.29 in attorney's fees and cost incurred by George Washington University Law Clinic², \$9,000 in attorney's fees and

¹The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

²This amount includes expert fees and costs for Dr. Waisbren and Dr. Stivelman, minus \$2,500.00 in fees for Dr. Waisbren, that have been included in petitioner's costs.

costs incurred by her prior counsel Sol Ajalat³, and \$2,722.80 in petitioner's costs, for a total of \$50,509.09. See Joint Status Report, filed September 5, 2007. Respondent has no objection to this request. Joint Status Report at 1.

After reviewing the request, the court finds that an award in the amount of **\$50,509.09** in attorney's fees and other litigation costs to be reasonable; of this amount, **\$38,786.29** shall be made payable jointly to petitioners and George Washington University Law Clinic, **\$9,000** shall be made payable jointly to petitioner and prior counsel Sol Ajalat. The remaining **\$2,722.80** shall be made payable solely to petitioners. The court thanks the parties for their cooperative efforts which quickly resolved this matter.

The Clerk shall enter the judgment accordingly.⁴

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

³This amount includes expert fees and cost for Dr. Kinsbourne and Dr. Henry.

⁴This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of HHS, 924 F.2d 1029 (Fed. Cir. 1991).